

**§ 352.707 Employee appeals to the Merit Systems Protection Board.**

(a) If an agency denies reemployment to a person claiming reemployment rights under this subpart, the agency shall inform the individual of that denial and of the reasons therefor by a written notice. In the same notice, the agency shall inform the employee of the right to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of § 1201.21 of this title.

(b) If an employee considers reemployment to be not in accordance with this subpart, the employee is entitled to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations.

(c) Refusal of a tribe to hire a Federal employee is not appealable to the Merit Systems Protection Board.

[44 FR 48953, Aug. 21, 1979]

**Subpart H—Reemployment Rights Under the Taiwan Relations Act**

AUTHORITY: 22 U.S.C. 3310; E.O. 12143, 44 FR 37191; Section 352.807 also issued under 22 U.S.C. 3310; E.O. 12143, 45 FR 37452.

SOURCE: 46 FR 8433, Jan. 27, 1981, unless otherwise noted.

**§ 352.801 Purpose.**

This subpart governs reemployment rights authorized by section 11(a) (1) and (2) of the Taiwan Relations Act (Pub. L. 96-8) after service in the American Institute in Taiwan (AIT) under the Act.

**§ 352.802 Definitions.**

For the purposes of this subpart: *Act* refers to Taiwan Relations Act (Pub. L. 96-8).

*Competitive area* is the same as defined in § 351.402 of this title;

*Institute* means the American Institute in Taiwan.

*Specified period of service* shall be a period of not more than 6 years.

**§ 352.803 Basic entitlement to reemployment rights on leaving Federal employment.**

(a) This subpart applies to all executive agencies as defined in section 105

of title 5, United States Code, the U.S. Postal Service, the Postal Rate Commission, and to the employees thereof, and to those positions in the competitive civil service and the employees occupying those positions.

(b) The agency must give employees entitled to reemployment rights under this subpart written notice of these rights at the time of their separation.

(c) *Employees entitled.* The following employees or former employees are granted reemployment rights subject to the conditions of this subpart, if they leave their Federal employment to be employed (on the date of incorporation of AIT or within 30 calendar days following separation from their agency) by the Institute for a specified period of service.

(1) An employee serving in a competitive position under a career or career-conditional appointment;

(2) A non-temporary excepted service employee; or

(3) An employee serving under a career appointment in the Senior Executive Service.

(d) *Employees not entitled.* The following employees are not entitled to reemployment rights under this subpart:

(1) An employee who has received a notice of involuntary separation because of reduction in force, or other cause, not directly related to employment with the Institute under the Act;

(2) An employee whose resignation has been accepted for reasons other than to accept employment with the Institute under this subpart;

(3) An employee serving under a Schedule C excepted appointment; or

(4) An employee serving under a non-career, limited emergency, or limited term appointment in the Senior Executive Service.

[46 FR 8433, Jan. 27, 1981, as amended at 57 FR 10124, Mar. 24, 1992]

**§ 352.804 Maximum period of entitlement to reemployment.**

Entitlement to reemployment terminates at the end of 6 years and 30 days, following the date employment commences in the Institute unless exercised or otherwise terminated before that time as provided in this subpart.